

# **EXHIBIT C**

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SPENCER MEYER, individually  
and on behalf of those  
similarly situated,

Plaintiffs,

vs.

No. 1:15 Civ. 9796 (JSR)

TRAVIS KALANICK,

Defendant.

\_\_\_\_\_/

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

DEPOSITION OF MATHEW G. HENLEY

SAN FRANCISCO, CALIFORNIA

WEDNESDAY, JUNE 22, 2016

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

CSR LICENSE NO. 9830

JOB NO. 504144

1 IN THE UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3  
4 SPENCER MEYER, individually  
5 and on behalf of those  
6 similarly situated,

7 Plaintiffs,

8 vs.

No. 1:15 Civ. 9796 (JSR)

9 TRAVIS KALANICK,

10 Defendant.

11 \_\_\_\_\_/

12  
13 Deposition of Mathew G. Henley, taken on  
14 behalf of the Plaintiff, at Gibson, Dunn &  
15 Crutcher, LLP, 555 Mission Street, 30th Floor,  
16 San Francisco, California, Pursuant to Notice,  
17 before me, ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR,  
18 CLR ~ CSR License No. 9830.  
19  
20  
21  
22  
23  
24  
25

1 A P P E A R A N C E S:

2  
3  
4 ON BEHALF OF THE PLAINTIFF:

5 MCKOOL SMITH, P.C.

6 By: JOHN C. BRIODY, Esq.

7 One Bryant Park, 47th Floor

8 New York, New York 10036

9 Phone: 212.402.9400

10 jbriody@mckoolsmith.com  
11

12 ON BEHALF OF UBER TECHNOLOGIES:

13 GIBSON DUNN & CRUTCHER, LLP

14 By: NICOLA T. HANNA, Esq.

15 LAURA J. PLACK, Esq.

16 3161 Michelson Drive

17 Irvine, California 92612-4412

18 Phone: 949.451.3800

19 nhanna@gibsondunn.com  
20

21 ALSO PRESENT: Martin White, Uber

22 Angela Padilla, Uber  
23

24 ---oOo---  
25

1 Q Now, were you aware of the manner in which  
2 Ergo is going to reach out and contact the seven  
3 primary sources in order to obtain interviews and  
4 information?

5 MR. HANNA: Objection to the form of the  
6 question.

7 MR. BRIODY: And let me be clear about this.

8 Q Prior -- let's pick a date. Jan- -- prior to  
9 January 19th, prior to receiving Ergo's report, were  
10 you aware of the manner in which Ergo was going to  
11 reach out to the seven primary sources?

12 A I still don't know how they reached out.

13 Q Oh, so -- so the answer to that question is  
14 "no"?

15 A No.

16 Q And after you received the report, did you  
17 ever learn how Ergo was reaching out to the seven  
18 primary sources?

19 A No.

20 MR. HANNA: Slow down.

21 MR. BRIODY: Q. Is that something that you  
22 were ever concerned about, how Ergo might be reaching  
23 out to the seven primary sources --

24 MR. HANNA: Objection --

25 MR. BRIODY: Q. -- in the period between the

1 question.

2 THE WITNESS: Did I want them -- I don't  
3 think I thought it through enough at all on that side,  
4 no.

5 MR. BRIODY: Q. So you expected that you --  
6 did you expect -- let me ask it the other way -- did  
7 you expect Ergo, in connection with the investigation  
8 authorized in Exhibit 49, to go out and contact  
9 primary sources and tell them that they were doing so  
10 on behalf of Uber and in connection with an  
11 investigation of the plaintiff, Spencer Meyer?

12 MR. HANNA: Objection to the form of the  
13 question; asked and answered.

14 He testified he didn't think about it.

15 THE WITNESS: I expected --

16 MR. BRIODY: Please let him answer the  
17 question, Counsel.

18 THE WITNESS: I expected them to be legal and  
19 professional.

20 MR. BRIODY: Q. Did you expect them to tell  
21 the people who they were contacting why they were  
22 doing it?

23 A I expected them to be legal and professional.

24 Q And that's not my question, sir.

25 I'd like you to -- I want to know if you had

1 an expectation that the personnel at Ergo and the  
2 seven primary sources they were going to collect  
3 information -- did you have an expectation that they  
4 were going to be telling the primary sources why?

5 MR. HANNA: Objection to the form of the  
6 question; asked and answered.

7 MR. BRIODY: Q. You can answer. I'm waiting  
8 for an answer.

9 A I didn't think about it. There was no  
10 expectation in either direction.

11 Q So, when you wrote that the investigation was  
12 to be under the radar, under the radar meant that the  
13 Ergo investigator could just tell folks about what  
14 they were doing and why?

15 MR. HANNA: Objection to the form of the  
16 question; asked and answered; misstates testimony.

17 THE WITNESS: I don't know what I meant by  
18 under the radar.

19 MR. BRIODY: Well, Mr. Henley, you wrote the  
20 phrase "under the radar."

21 Q Sitting here today, what does the phrase  
22 "under the radar" mean to you?

23 A It's a sensitive matter and to treat it as  
24 such.

25 Q And is a sensitive matter something you go